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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,783	12/16/2003	Hsia-Hui Chen	MR1197-598	4117

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EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,783

Applicant(s)

CHEN, HSIA-HUI

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action.

The Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention. The specification fails to clearly define the umbrella having ribs being arranged in a **serial order**. And, the phrases “as shown in Figure 9” and “in the state of Figure 7” fail to provide further description. It is not clear how those elements in the figures being related and operated to each other.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a frame and a first rib, and the relationship between the first, second, third ribs and how are they operatively connected one to another.

Art Unit: 3637

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regard to claim 1, the term “in providing” merely recites a method step of making a product and is not consistent to the body of the claimed invention which is a collapsed umbrella.

Regard to these claims, it is confusing where is “a first rib” and how the “second rib and third rib” are being related to the “first rib”. The claimed elements must be clearly defined in a serial order.

Regard to claim 2, “the frame” lacks a proper antecedent basis. The feature of “at least four ribs” is confusing whether these four ribs are pivotally connected one to another in a serial order or are pivotally connected round a post.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US Patent No. 6,244,284).

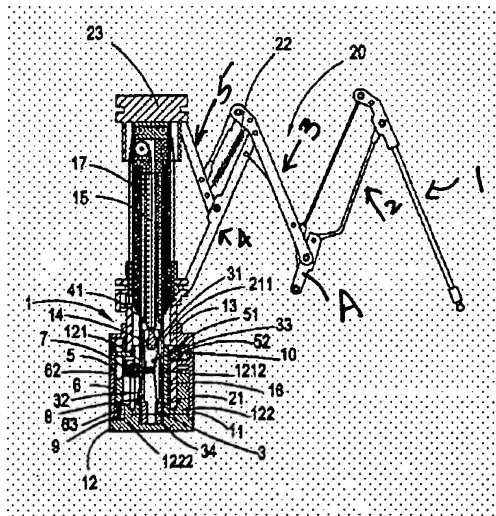
Wang teaches a multiple-fold umbrella comprising a shaft (2) having upper and lower runners (35, 36), a frame having a first rib (40), a second rib (30), a third rib (20), and a fourth rib (50), counted from outside, being pivotally connected together, wherein an inner end of the

Art Unit: 3637

third rib (20) is pivotally connected to the upper notch and a fourth rib (50) has one end being pivotally connected to the lower runner (36), a joint (63) with a wide base and having two pins pivotally connected with the second rib (30) and the third rib (20), and the ribs being positioned in collision side by side.

7. Claims 1-2, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Shih (US Patent No. 6, 257,257).

Shih teaches a multiple-fold umbrella comprising a shaft (2) having upper and lower runners (23, 13), a frame having a first rib (1), a second rib (2), a third rib (3), a fourth rib (4), and a fifth rib (5), counted from outside, being pivotally connected together, wherein an inner end of the fifth rib (5) is pivotally connected to the upper notch (23) and a fourth rib (4) has one end being pivotally connected to the lower runner (13), a joint (A) with a wide base and having two pins pivotally connected with the second rib (30) and the third rib (20), and the ribs being positioned in collision side by side in a shrunk volume.



Art Unit: 3637

8. Claim 1, as better understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Okuda (US Patent No. 5,435,331).

Okuda teaches a multiple-fold umbrella comprising a shaft (1) having upper and lower runners (11, 12), a frame having a first rib (8), a second rib (5), a third rib (6) and a fourth rib (4), being counted from outside respectively in a collapsible position (see Fig. 4), being pivotally connected together, wherein an inner end of the fourth rib (4) is pivotally connected to the upper notch (11) and the second rib (5) has a inner end being pivotally connected to the lower runner (12), a joint (7) with a wide base and having two pins pivotally connected with an outer end of the second rib (5) and an outer end of the third rib (6), and the ribs being positioned in collision side by side with a shrunk volume.

Citations

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lopez '772, Weber '752, Yang '634, and Wang '770 teach various umbrellas having a multiple ribs being pivotally connected by joints in a foldable volume as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
September 23, 2005